

SECTION 5.0 UNAVOIDABLE ADVERSE IMPACTS

5.1 CEQA GUIDELINES SECTIONS 15126.2(b) AND 15093(a)

This Section summarizes the unavoidable adverse impacts associated with proposed West Gateway project in the City of Long Beach. Section 15126.2(b) of the California Environmental Quality Act (CEQA) Guidelines requires that an Environmental Impact Report (EIR):

"Describe any significant impacts, including those which can be mitigated, but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described."

In this situation, the City will be required to adopt a Statement of Overriding Considerations along with the Facts and Findings for the project as promulgated in Section 15093(a) which states:

"CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered *acceptable*."

Section 4.0 (Existing Conditions, Impacts and Mitigation Measures) documents the analysis of the potentially significant adverse impacts associated with the proposed West Gateway project. As documented in detail, the proposed West Gateway project will result in significant unavoidable adverse impacts related to air quality. Section 8.0 (Cumulative Impacts) documents cumulative impacts of the proposed West Gateway project and identified cumulative impacts related to air quality and historic resources. These impacts cannot be mitigated to below a level of significance. These findings are summarized in the following Sections.

5.2 SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS OF THE WEST GATEWAY PROJECT

5.2.1 UNAVOIDABLE ADVERSE IMPACTS RELATED TO SHORT-TERM AIR QUALITY

The proposed West Gateway project would result in air pollutant emissions in exceedance of construction and operational thresholds established by the SCAQMD. During the construction phase of the project, NO_x emissions from construction vehicle exhaust would continue to exceed the SCAQMD emissions threshold and would represent an unavoidable significant adverse construction impact of the proposed project related to air quality.

5.2.2 UNAVOIDABLE ADVERSE IMPACTS RELATED TO LONG-TERM AIR QUALITY

The operations of the West Gateway Project would result in emissions of ROG which would exceed the operational phase thresholds established by the SCAQMD and which cannot be mitigated to below a level of significance and which would constitute an unavoidable significant adverse impact of the proposed project related to air quality.

5.2.3 UNAVOIDABLE ADVERSE IMPACTS RELATED TO UTILITIES AND SERVICE SYSTEMS - SCHOOLS

The payment of development impact fees, as required by mitigation measure U-6 and state law, would provide the funding to mitigate impacts of students generated by the West Gateway project. However, as indicated in the LBUSD letter, the school impact fee will not completely mitigate the impact to the school district due to the increasing costs associated with opening new schools in urban areas. Therefore, impacts related to schools would be mitigated by the school impact fees, however impacts would still be considered significant because the existing schools in Downtown Long Beach lack capacity without the project.

5.3 SIGNIFICANT UNAVOIDABLE ADVERSE CUMULATIVE IMPACTS OF THE WEST GATEWAY PROJECT

5.3.1 CUMULATIVE IMPACTS RELATED TO AIR QUALITY

The regional emissions calculated for the project and presented in Tables 4.3-5 and 4.3-6 in Section 4.2 Air Quality are less than the applicable SCAQMD thresholds except for short term ROG and NO_x during construction and long term ROG. These significance thresholds are designed to identify those projects that may result in significant levels of air pollution and to assist the region in attaining the applicable state and national ambient air quality standards. In addition, the project is consistent with the land use designations in the City's General Plan. General Plans are used in the development of the AQMP which provides the framework for attainment of state and federal ambient air quality standards. However, the project would exceed the SCAQMD screening thresholds even though it is consistent with the General Plan and AQMP, the project is considered to result in significant contributions of NO_x during the short-term construction phase of the project and ROG during the operations phase of the project. Therefore the West Gateway Project would result in cumulatively considerable or cumulatively significant air quality impacts even with the application of mitigation measures.

5.3.2 CUMULATIVE IMPACTS RELATED TO CULTURAL RESOURCES

As discussed in Section 4.4, there are structures of potential historical significance in the project area. There three known structures located at the following addresses:

- 247 Daisy Avenue
- 227 Daisy Avenue
- 228 Nylic Court

These structures will be photo-documented and will be eligible for the City's relocation program. However, there is no assurance that these or any other historic structures identified in the future will actually be preserved through the relocation program. Therefore, it is possible that all potentially historic structures will be demolished as part of the project. Although the photo-documentation will preserve the record of these structures, they will not be available as examples of certain architectural styling or as representatives of certain types of historical structures. This loss is considered a cumulatively considerable impact on representative housing stock and buildings that are over 50 years old in the City of Long Beach and therefore it is cumulatively significant.

5.3.3 CUMULATIVE IMPACTS RELATED TO RECREATION RESOURCES

The project will increase the demand for recreation facilities with the addition of 853 apartment and condominium units, and a net increase of approximately 642 dwelling units to the site. As stated in Section 4.13, the City of Long Beach is currently experiencing a citywide deficiency in recreation open space. The City requires the dedication of parkland or payment of a fee in lieu of parkland dedication in accordance with the City's Municipal Code. Since the proposed project does not include any park sites, the applicant(s) must pay the in lieu fee. Payment of this fee would provide the City with additional funds to provide facilities, but would not contribute to the overall shortage of recreation open space in Downtown Long Beach which even before the West Gateway project is particularly short of park space at one acre of park land per 1,000 residents. That ratio is considered low by the City making Downtown Long Beach parks already severely impacted. Therefore, given the overall shortage of recreation open space in Downtown Long Beach, the project would contribute to a cumulative impact on recreational facilities by creating more demand for them in the Downtown Area where there is already a known shortage.

5.3.4 CUMULATIVE IMPACTS RELATED TO UTILITIES AND SERVICE SYSTEMS - SCHOOLS

As discussed above in Section 5.2.3, a significant impact would occur from the West Gateway project on the LBUSD because the project's contribution of students occurs in a highly impacted school district. Even the payment of required fees would not offset the impact to below a level of significance. Therefore, impacts would also be considered cumulatively significant because the existing schools in Downtown Long Beach lack capacity without the project.